

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NANCY DREW SUDERS	:	
Plaintiff	:	
	:	No. 1:CV-00-1655
v.	:	
	:	(Judge Rambo)
ERIC D. EASTON, et al.	:	
Defendants	:	(Electronically filed)

DEFENDANTS' RESPONSE TO PLAINTIFF'S STATUS REPORT

On September 27, 2004, plaintiff filed a status report with the Court. Because of some misstatements contained in that report, defendants submit the following response.

Plaintiff accurately reported to this Court that the case is still in the Third Circuit due to that Court's ordered mediation of plaintiff's attorney's fees petition. Chief Deputy Attorney General John Knorr, and not undersigned counsel, is handling that mediation for defendants.

It is also accurate that plaintiff made an offer and defendants rejected the offer without a counter offer. After discussions with the client and review of plaintiff's settlement offer, the defendant PSP did not believe it was in their best interest to settle the case at this time.

As for plaintiff's allegations that the BPR, although "officially requested" was never turned over, defendants deny that the BPR was requested in writing or otherwise. Additionally, defendants submit that this Court has numerous

mechanisms for plaintiff to obtain discovery documents and resolve discovery disputes- none of which were utilized by plaintiff. Therefore, given the procedural status of this case, defendants object to plaintiff's suggestion that discovery be reopened when plaintiff had every opportunity to obtain whatever discovery she believed she was entitled to and resolve any disputes during the discovery period prescribed by this Court.

Respectfully submitted,

GERALD J. PAPPERT
Attorney General

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Date: September 28, 2004

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CERTIFICATE OF SERVICE

I, SARAH C. YERGER, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on September 28, 2004, I caused to be served a true and correct copy of the foregoing document via electronic filing to the following:

Donald Bailey, Esquire
4311 North 6th Street
Harrisburg, PA 17110

s/Sarah C. Yerger _____
SARAH C. YERGER
Senior Deputy Attorney General

Date: September 28, 2004